

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1862 OF 2006**

M.K. Prabhu ... Petitioner
Vs.
The Svadeshi Mills Company
Ltd and Ors. ... Respondents

Mr. P.M. Patel for Petitioner.
Mr. S. Rama Kantha, Dy. Official Liquidator present.
Mr.V.Y. Sanglikar for R. No. 2.

**CORAM : F.I. REBELLO &
S.R.SATHE, JJ.
DATED : SEPTEMBER 07, 2006**

P.C.

. By consent taken up and heard forthwith.

. All these petitions are being disposed of by a common order in view of the earlier order passed in other Petitions.

. Rule. Rule made returnable forthwith. The learned counsel appearing for the respondents waive service. By consent Petitions are taken up for hearing.

. This petition is filed by a former employee of the Swadeshi Mills Ltd. Swadeshi Mills has gone into liquidation and Liquidator has already been appointed. By this petition, the petitioner has raised grievance

about his claim for provident fund and gratuity. Our attention is drawn to the orders passed by the Division Bench in similar case i.e. Writ Petition Nos. 515 of 2002 decided on 22.4.2002 and 1351 of 2003 decided on 18.11.2003. The Official Liquidator who is present before this court stated that he will verify the claims of the Petitioner for provident fund and gratuity and take appropriate steps for releasing the same in favour of the Petitioners.

. The Official Liquidator shall verify the claims of the Petitioners for provident fund and gratuity and write to the concerned banks for releasing the amount of provident fund and gratuity directly in favour of the petitioner. Upon receipt of such instructions from the Official Liquidator the concerned bank shall forthwith release the amount to the petitioner as directed.

. The Official Liquidator to release entire amount if there are sufficient funds. If there be insufficient funds, then prorata to each of the employee entitled to the same. On the Official Liquidator writing to the Bank, Bank to release the said amounts to the Official Liquidator who will disburse them to the employee who is

so entitled.

(S.R. SATHE, J.)

(F.I. REBELLO, J.)